

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN

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ESSOCIATE, INC.,

Plaintiff,

Case No. 11-cv-727-bbc

v.

EPIC MEDIA GROUP, INC., ET AL.,

Defendants.

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**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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Pursuant to Rule 56 of the Federal Rules of Civil Procedure, the defendants, Epic Media Group, Inc. (f/k/a Azoogole.com, Inc.) and Social Assets LLC (d/b/a Kinetic Social), move for summary judgment on four issues:

1. Essociate's infringement claim is limited or barred entirely by the equitable doctrines of laches and equitable estoppel. Essociate's extraordinary delay in bringing this suit was unjustified and highly prejudicial to the defendants.
2. Epic Media Group's internet affiliate system, Epic Direct, does not infringe U.S. Patent No. 6,804,660. There is no genuine dispute as to the operation of Epic Direct and Essociate's infringement case fails as a matter of law.
3. The '660 patent is invalid because it is anticipated by the inventor's own prior art system, and because it is obvious in light of that system, and in light of well known features of internet commerce.
4. The defendant Social Assets, LLC is not a successor to the liabilities of Epic Media Group, under any of the theories advanced in Essociate's First Amended Complaint.

Accordingly, the Second, Third and Fourth Causes of Action in the First Amended Complaint should be dismissed on the merits and with prejudice.

The material facts are not genuinely disputed, and the defendants are entitled to judgment as a matter of law on each of these issue. The grounds for this motion are presented in the accompanying brief, and the motion is based upon the supporting papers filed with this motion as well as the pleadings and papers already on file in this action.

Dated February 1, 2013.

By: s/ James D. Peterson

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